

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THEOPLIS WILLIAMS

V.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION

§

§

§

§

§

§

CASE NO. 4:09CV170

(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING, IN PART, REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 23, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the decision of the Administrative Law Judge be affirmed.

The Court, having made a *de novo* review of the objections raised by Plaintiff, and noting that the Commissioner did not file a response to Plaintiff's objections, finds as follows:

Plaintiff's first objection is that the Magistrate Judge erred in concluding the ALJ properly evaluated Plaintiff's somatization at steps two, three, and in the residual functional capacity assessments. It appears that the ALJ never discussed at step two why Plaintiff's somatization was not a severe impairment. Plaintiff's first objection should be sustained. Upon remand, it should be considered whether Plaintiff's somatization is a severe impairment and what impact it would have on Plaintiff's residual functional capacity.

For the reasons set forth herein, the Court hereby adopts the findings and conclusions of the Magistrate Judge, in part, as the findings and conclusions of this Court. It is therefore

ORDERED that the case is **REMANDED** for further review pursuant to sentence four.

IT IS SO ORDERED.

SIGNED this 26th day of July, 2010.

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE